

THE 2
CASE
OF
PROTESTANTS
IN
ENGLAND
UNDER A
Popish Prince,

If any shall happen to Wear the
IMPERIAL CROWN.

L O N D O N :

Printed for Richard Janeway in *Queens-Head-Alley*
in *Pater-Noster-Row*, 1681.

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The C A S E of PROTESTANTS in England, &c.



PRINCE putting Himself and his Dominions under the Popes Authority, and admitting (as he must unavoidably) the Laws and Decrees of the *Romish Church*; all his Protestant Subjects, being by the Judgment and sentence of that Church *Hereticks*, do forthwith lye under the penalties which those Laws and Constitutions will have inflicted upon *Hereticks*. And these are the severest penalties, being proportioned to the crime which that Church judgeth most hainous; for Heresie is Treason with them, and the highest degree of High Treason, for it is (say they) *Crimen lese Majestatis divinae*, Treason against the Divine Majesty, and so, much worse than Treason against any Prince on earth; and upon this ground they commonly justify all severities decreed against *Hereticks*. Not to mention particular Doctors, *Innocent* (a) the Third thus argues in a special instance, *This punishment is justly inflicted upon Hereticks, because it is so in case of civil Treason; which is a smaller fault than Treason against the Divine Majesty.* And

By the Law of their Church, *Sic omnes Apostolica sedis sanctiones accipiendae sunt tanquam ipsius divini Petri voce firmatae sint*, Distinct. 19. Cap. 2. *All the Constitutions of the Roman See must be received, as if they were made firm by St. Peters own mouth.* And it is enacted by a general Decree (*Generali Decreto constitutum*), That whatsoever King, Bishop, or Noble man, shall believe that the Decrees of the Roman Bishops may be, or shall suffer them to be violated in any thing, be accused, (*excommunicandum Anathema sit*) and shall forever remain guilty before God, as a betrayer of the Catholick Faith. *Canon 29. q. 1. cap. 11.*

(a) *Caput, Vergentis, de Hæreticu.*

there is an Edict of (b) *Frederick* confirmed and made a Church-Constitution by several Popes, particularly by *Innocent 4th*, wherein what is enacted against Traytors, is declared to fall upon Hereticks *multo fortius iustiusque*, with much more force and justice. So that the Papal authority being introduced among Protestants, they are forthwith *Traytors by law*, and stand in no better terms, than the worst of Traytors, and are exposed to the penalties which the highest Treason is judged worthy of. Let me instance in two or three particulars briefly; for I must but point at the miseries of Protestants in such a state, not give a full prospect of them.

Infamy is one of them (that I may begin with the least). Hereticks are infamous by Law (c), *It is certain* (saith (d) *Suarez*) *that Hereticks both by common and civil Law are infamous*, for which he alleged several Texts of the Popes Law, and extends it to the *favourers* of Hereticks; if they repent not within a year; and to their Children for some generations, if their Parents dyed *pertinacious*.

It is many penalties in one, including several things grievous and intolerable to all sorts (e); for upon this account, those whom they count Hereticks, are deprived of all Nobility, Jurisdiction, and Dignity; and debarr'd from all Offices, Benefices, and publick Councils; they are incapable of chusing, or of being chosen to them, (so that it reacheth all sorts), Clergy, Laity, Noble and Ignoble, (as the same Author tells us). And they fall under all this immediately, *ipso facto*, as soon as they are Hereticks, before any sentence Declaratory of their crime; so in a manner all the (f) *Doctors conclude, In quo Authores ferè conveniunt*, proving it from the very words of the Law aforementioned.

Let me mention some of the particulars comprized in this Legal Infamy: Protestants are hereby excluded from all publick Councils, and so from Parliaments; being incapable of either chusing,

(b) 7 Decretal. Lib. 5. Tit. 3. de Hæreticis.

(c) Caput Infames 6. q. 1. cap. alieni. 2. q. 7.

Cap. Excommunicamus 1. Sect. credentes. de Hæreticis.

Cap. Statum. de hæret. in 6.

(d) De Fide. Disp. 21. Sect. 5. N. 3.

(e) *Suarez* ibid. Diana. Sum. v. hæret. n. 9. Pet. St. Joseph in 1. Decret. p. 39.

7bo. Sanchez. op. Moral. Lib. 2. p. 12.

(f) *Suarez*. ibid. Num. 4.

or being chosen thereto. This is the Decree of a *General (g) Council*, besides several Constitutions for it in the *Canon-Law*. So that all the Lords and Commons in *England* would be by Law (while they are *Protestants*) debarred from having any place in Parliament; and all the Freeholders from chusing any; and that by a Law paramount to any Civil Law, or National Constitution: and this alone would be enough to ruine and enslave this, or any people whose Liberty depends upon Parliaments. They are excluded from all Dignities, this is Essential to the penalty; for it is a *(h) Rule* in their Law, *Infamibus Porta non pateant dignitati*; particularly Noblemen are degraded from their Nobility, and deprived of all Honours *(i)*, this by the same Law: and it is extended to their Children by many of their *(k) Authors*, who say expressly, that the *Issue of Traytors, Civil or Spiritual, lose their Nobility*, both that which they had by Privilege, and that which comes by descent from their Ancestors.

They are deprived not only of all Ecclesiastical Benefices, but of all Secular Offices, which is expressed in the Law forequoted; Particularly it is decreed *(l)* that *Hereticks be not admitted into any publick Office, or Benefice; but if they be, it is null and void*. Nor can they exercise any Jurisdiction, either Spiritual or Civil, as their *(m) Authors* commonly determine: and upon this account they conclude all our Judges, Justices and Magistrates, that are *Protestants*, to be incompetent, such as have no more Jurisdiction than the Bench they sit on, and think not themselves at all obliged to answer them; or if they condescend to give them an answer, yet not to speak the truth before them, although they be sworn to it.

In short, all that owe any duty to Hereticks are discharged from the obligation, and exempted from paying any. In their Canon Law

(g) *Con. Lateran. sub Innocent. 3. in crab. Tom. 2. Concil. p. 948.*

(h) *Regul. Juris* 87. in 6.

(i) *De hereticis cap. ut Commiss. in 6.*

(k) *Faber Teraquillus, Camera, Otalora in Sanchez. ibid. l. 2. c. 29. n. 7.*

(l) *Cap. 2. Sess. Heretic. de hereticis in 6.*

(m) *Aquinas, Soto, Castor, Azor, Simanca, & Suarez, ibid. Disp. 21. sect. 5. num. 12.* By the Constitution of *Gregory 9.* an Heretick is deprived of all Jurisdiction, whether Natural, Civil, or Politick. *Simanca Instit. tit. 46. sect. 74. Fuxia Constitutiones Gregorii 9, &c.*

It is decreed (n) that all who are bound to Hereticks by any obligation, whether of Oath, or Fealty, or Service, or any other Agreement, or promise, are freed therefrom. Subjects owe no Allegiance to their Prince, nay they may lawfully kill them, as their Authors commonly conclude. Servants owe Masters no Faithfulness, no service; though they be slaves, and purchased with their money, yet they are discharged; and if they discover their Master's Heresie, and so seek to take away his life, though they be not Christians, it's reason (they hold) that they have absolute freedom; when none but Christian slaves may have it, save upon such a treacherous (o) account. Parents lose authority over their Children, so their Law (p) will have it: and Children owe no duty to such Parents, only they are bound under mortal sin to denounce them, that is, to discover their Heresie; which is the way to deprive their Parents of their lives. And they give this reason for it, because it is lawful for a Child to kill his Father, if he be an enemy to the Common-wealth; and therefore he may much more lawfully in this case deal thus with his Father, that is, betray him to death. This is an act worthy of honour and praise, as is proved by the Constitutions of several Popes, and so many other (q) Writers, that it may pass for their common Doctrine; nor can they be secured from suffering for their Parents Heresie, without detecting them, as * Innocent 4th decrees.

We see a little to what condition the admission of the Papal authority would reduce us; it would expel nature and humanity, and make the dearest Relatives unnatural and barbarous to one another; it would leave no Protestant either Dignity or Authority, either Safety or Liberty; by these Laws (which must then be ours) our Nobles are sentenced to be Peasants, and Peasants must be no better than slaves.

Secondly, Another penalty to which Hereticks are condemned by their Laws, is *Confiscation of all their Estates or Goods*. And this they incur, *Ipso jure, & ipso facto*, that is immediately, as soon as

(n) Cap. Final. de Hereticis.

(o) Azor. Instit. Moral. Tom. 1. l. 8. c. 12. 47. Penna, Molina & Sanchez. lib. 1. c. 24. m.

(p) Cap. 23. sect. 1. fin. de Hereticis in 6.

(q) Synacina de obligatione denunciandi, Disp. 4. p. 2. n. 3. Ita Farinacius, Azorinus & alii ferè communiter. Id ex aliis Sum. Pontificum Constitutionibus probat Penna. Ibid.

* 7 Decret. de heretic. c. 3.

they shew themselves Hereticks, *before the sentence of any Judge*. There is an express Decree (r) for this in the Canon Law, *Bona Hæreticorum ipso jure decernimus confiscata*, We decree that the Goods of Hereticks are confiscated by sentence of Law. In this the Gloss, and all the Doctors who write of (s) Hereticks do agree; and upon this reason among others, because *Humane Laws punish Treason against men, and sometimes lesser crimes*, with confiscation of Goods; therefore much more must Treason against the Divine Majesty, which is committed by Heresie, be thus punished. And this reason is assigned not only in the Text of the Canon Law now mentioned, but also in other Texts, particularly *Innocent (t) the Third* thereby proves, that Hereticks Goods are confiscated, because this is decreed against Civil Treason, *which is much less than that against the Divine Majesty*.

By vertue of this Confiscation, Hereticks, as soon as ever they discover it, are deprived of all Propriety and Title to their Estates, before any sentence passed against them. *Suarez (u)* saith, This is the *Common Doctrine*. *Sanchez (x)* musters up multitudes of Doctors for it: and * *Corduba* tells us, that all their Doctors in a manner, both Canonists and Divines maintain it.

But though they generally agree that Protestants by Law have lost all propriety, and have no title at all to any estate; yet there is some difference among them about the possession of what is thus confiscated. For many of them hold, that Hereticks before any Sentence, are bound in Conscience to quit the possession of all they have, and sin damnably if they do not; especially if their heresie be publick and notorious, as it is in all professed Protestants: and their reasons are good enough, if the principles upon which they proceed were so. For the Sentence which some count pre-requisite, is not pretended to be *damnatory*, to condemn to the punishment, for that is already done by Law; but only (as all agree) *declarative* of the crime, that the crime may be evident, and who are guilty of it; which is needless when it is evident and notorious before.

(r) Cap. *Cum secundum leges, de hæreticis in 6.*

(s) *Suarez. Ibid. Disp. 22. Sect. 1. N. 2.*

(t) Cap. *Per gentes, vers. cum enim, de Hæreticis. Cum longè sit gravius, æternam quàm temporalem cadere Majestatem.*

(u) *Ibid. sect. 3. n. 1.*

(x) *Ibid. cap. 22. n. 2. * Quæst. Theol. lib. 1. q. 36. p. 290.*

Others of them teach that Hereticks may keep possession, and are not to be deprived of it, before the sentence declarative of the crime. But though this latter seem more favourable, yet it is of little or no advantage to Protestants, since those that have a mind to their forfeited estates, may soon procure such a Sentence; for an ordinary Bishop, or other Ecclesiastical person may pass it, as the Law it (y)self declares. For example: *Corker* the *Benedictine*, lately arraigned, was ordered by the Pope to be Bishop of *London*; if their Plot had so far succeeded, that the Popes Orders had taken place, he might in his Spiritual Court have declared all the known Protestants in *London*, and his whole Diocess to be Hereticks; which done, all the Nobles, Citizens and others in his Diocess, might have been turned immediately out of possession, and stript of all they had; and this by Law. The effects of this Confiscation, wherein they all agree, make the severity of the Law apparent; and the forbearance of seizure before sentence of little consideration, if they thought themselves obliged not to seize such Estates before.

First, All the profits made of the Estate from the first day of their guilt are to be refunded, if they be extant and found among their (z) Goods, *Formally*, or but so much as *equivalently*; nay, some (a) will have them responsible for the mean profits, though they be consumed or spent, if so be they knew themselves to be obnoxious, when they spent them: or being spent, if the Estate be any thing better on that account, they are still looked on as being extant, and the estate still lyable: and it is counted better, if the party be (b) Richer, *If he therewith bought any thing else, or made use thereof to pay his Debts, or bought but necessaries to live on, and thereby spared his other Revenues.*

Secondly, All Alienations by Gift, Sale, or otherwise, before Sentence, are null and void; and all Contracts for that purpose rescinded; in this, *Suarez* saith, all their Writers agree (c) unanimously; and the Exchequer of the Pope or Popish Prince will re-

(y) *De Hæreticis. Cap. cum secundum Legis. in 6.*

(z) *Suarez, De Fide. Disp. 22. sect. 4. n. 11. Sanchez ubi supra, t. 21. n. ult.*

(a) *Simancha, Vasquez in Suarez, Ibid. n. 11, 12.*

(b) *Idem ibid. sect. 4. n. 9.*

(c) *Ibid. sect. 1. num. 5. In hoc esse 3u concors est sententia omnium scribensium.*

cover all that hath been so disposed of by the Hereticks to others where ever they be, or in whole possession soever they be found, or through how many hands soever they have passed; this is the Doctrine *Universally embraced by all their Doctors of Law, and all their Divines*, to understanding the Text of their Law, as (d) *Sanchez* tells us. Nay it is a sin (e) for him to sell any part of his Goods or Estate, without discovering to the Purchaser his hazard, in buying what is by Law confiscated. And in this case the Purchase will be forced from him without restoring the price he paid for it, unless it be found among the Hereticks Goods, for which the same *Jesuit* alledgeth above Thirty (f) Doctors. Nor are those to whom the Estate is Escheated any way obliged, to pay any of the Hereticks Debts (g), which were contracted since his Heresie, and so his Creditors (not excepting *Roman* Catholics) may be lawfully ruined, as well as himself.

Thirdly, The Children and Heirs of Hereticks are deprived of their Portions. And though this seem hard in their own apprehensions, that they should be ruined and reduced to poverty for their Parents fault; yet what they suffer is not to be considered, because the Child is not here punished by or in himself, but by accident, and in another. And this is all the satisfaction the best of them give in this pitiful case, *Suarez ibid.* Nor will their Law admit that any Commiseration of the Innocent should be any impediment to the severity of the Execution; but provides against it in these words, *Neither shall this severe Censure, for the disinheriting of Orthodox Children be any way bindred, by the pretence of compassion; since in many cases by Divine Judgment, the Children are temporally punished for their Fathers; and according to Canonical Sanctions, vengeance may be sometimes taken, not only upon the Authors of wickedness, but their posterity, Cap. vergentis, Tit. de Hæreticis.*

But what if the Children to whom the Estate is left, be *Roman* Catholics, are they to be thrust from an Estate left them by their Heretical Parents? This seems impolitick, since hereby no hopes are left to any for securing their Estates by turning Papists; and not

(d) *Ibid. Lib. 22. Num. 33.*

(e) *Idem. ibid. n. 61.*

(f) *Ibid. n. 68.*

(g) *Ibid. n. 76.*

only so, but they confess it seems to be against Piety, and in the 4th Synod of *Toledo* there is a limitation for the security of such Innocents; but by the Canon Law in after-times that Limitation was exploded, and the Catholick Descendents of Hereticks excluded from having any advantage (h) by their confiscated Estates. This is expressed in the *Text* of their Law, and more fully in an Original Epistle of Pope *Innocent* the Third. *Suarez. ibid. pag. 775.*

But suppose the Posterity of a Protestant or his Children, being still Papists, have continued in the possession of the Estates so left them for many years together (Forty or an hundred years), will not this create them a title? since Prescription may do it where there is no other right, and is allowed so to do both by *Civil* and *Canon* Law; and an hundred years is confessed to be sufficient for Prescription (i) against the *Roman* Church in other cases?

No, an hundred years will not suffice in this case, if the Possessors, or their Fathers knew that he who left them the Estate was an Heretick, and if he was at any time suspected to be so while he lived; or if he was reputed a Catholick all his days; yet if any time within 40 years after his decease, it appears he was an Heretick, there is no place left for Prescription: but then they will have the Estate seized, in whose hands soever it be found, and the (k) Possessors thrust out, though they be *Roman* Catholicks.

Hereby it appears, that as soon as the Papacy is admitted, all Title and Property is lost and extinct among us by the Law which will then be in force, unless in those few Families who never had a Protestant Proprietor; nor are they secure as to any part of their estate, which ever belonged to Hereticks: And therefore we must not think his Holiness acted extravagantly, when he declared all his Majesties Territories to be his own as forfeited to the Holy See for the Heresie of Prince and People: for herein he proceeded regularly, and according to that which they esteem the best Law in the World. Not only Abbey Lands are in danger, who ever possess them, but all Estates are forfeited to his Exchequer, and legally confiscated: All is his own which Protestants in these Three Nations have, or ever had, if he can but meet with a Prince so wise, as to help him to catch it.

(h) *Cap. Vergens. de Hæreticis.*

(i) *Menochius & alii in Diana. Sum. P. Prescrip. N. 2.*

(k) *Sanchez. L. 2. c. 22. n. 41.*

Thus we see the process of their Law against Protestants must not end with their Lives, but follow them many years beyond Death and the Grave; and ruine their Children, and Childrens Children, when they are gone: And when they have left a Heretick nothing of his own to subsist on, it is provided also that he shall have no Relief from others: for this is part of his Penalty (1), that *none shall receive him into their houses, nor afford him any help, nor shew him any favour, nor give him any counsel.*

We in England are zealous for Property, and all the reason in the world we should be; but we must bid adieu to this when we once come under the Popes Authority; for as soon as this is admitted, *all the Protestants in these Nations are Beggars by Law*, by the Laws of that Church (which will then be ours), divesting us of all Propriety and Title to what ever we count our own.

Thirdly, The last Penalty I shall insit on, which their Law will have inflicted on Hereticks, is Death.

This is the Sentence of the Canon Law. *Hereticks (m) are to be delivered to the Secular Power to undergo due punishment*; and that is Death, as appear by many *Papal Bulls* approving and receiving the Civil Laws, which have adjudged Hereticks to death: For though those Laws were Originally intended, against such only which were Hereticks indeed: yet since the Roman Church will have all Protestants to be Hereticks, they must suffer Death by vertue thereof, how far soever they be from Heresie.

And the Canon Law further determines, that Secular Judges cannot remit the Penalty, as appears by the Text, *Cap. ut Officium*, and is more fully explained in the Bull of Urban the 4th, and in another of Innocent 4th. Hereupon (n) Zanardus takes it for granted, *that all Laws will have every Heretick put to Death*; and their Angelical Doctor (o) is positive, *that Hereticks, though they do not pervert others, may be justly killed by Secular Judges, and bereaved of all they have, rather than such as are guilty of High-Treason.*

If there were need to cite particular Doctors, Suarez assures us,

(1) Zanardus, Director. pars 2. p. pag. 126.

(m) Cap. ad abolendum. de Hereticis. Vide Suarez ubi supra. Diss. 23. sed. 2. n. 1. & 3.

(n) Direct. pars 2da. 2do. pag. 754.

(o) 2. 2da. Q. 10. Art. 8 Corp.

that it is the judgment of all their Doctors, *Ita docent omnes Doctores*. But there is a Constitution of *Paul (p) 4th*, which may serve instead of all; where to shew how impartial their Decrees are in this case, Having declared that with the unanimous consent of the Cardinals, all Penal Acts, Canons, Constitutions against Hereticks, made by any Popes, Councils, or others, are by Apostolical Authority renewed and enforced; he specifies persons of greatest Eminency in Church and State, *viz.* Earls, Barons, Marquesses, Dukes, Kings, Emperors, &c. and will have all these punishments inflicted on them, if they are, or shall hereafter be Hereticks. Particularly it is decreed, that *they are therefore deprived wholly and perpetually of their Baronies, Marquesats, Dukeoms, Kingdoms, Empires, and rendered incapable hereof, so as they shall never be restored.* And to make sure work, all of them, Kings and Emperours among the rest, *shall be put to death (q).* Only if they recant, the Holy See may shew them this Clemency, as to thrust them into some Monastery, there to do penance all their days with Bread and Water.

This punishment they extend very far (r), for Death is to be inflicted, not only on the Teachers of what they call Heresie; but on all who believe any Doctrines opposite to what the Romanists receive as matters of Faith, though they draw none else thereto; yea on all that believe any one point of such Doctrine, though they renounce all the rest; For they agree, *that one Error makes a Heretick*, though all besides that one be abjured. And on those also who abjure them all, if they do not likewise discover their Complices; and so betray all the Protestants they know, to Death. For such, though they do profess themselves to be Papists, and conform to them in all things; yet if they discover not others, and expose them to death, *they are judged to be but (s) counterfeit Catholics*, and not worthy to live.

The Death they will have us suffer, is *burning alive*; no Death more tolerable, or of less exquisite torture will satisfy the Mercy

(p) 7 Decretal. l. 5. tit. 3. cap. 9.

(q) *Secularis relinquuntur arbitrio potestatis, animadversione debita Punienti.* Which expression they thus explain, *Debita nimirum secundum jura Civilia quæ est pena mortis.* So Suárez *ibid.* Disp. 23. Sect. 2. N. 3.

(r) *Idem ibid.* Sect. 2. N. 5. 6.

(s) *Quia est occulator hæreticorum — Et ideo merito judicatur sibi concessus.* *Ibid.* Sect. 6.

of that Church. For though they find no Rule for this in the body of the Civil Law, yet they alledge some latter Constitutions for it, and particularly that of *Frederick* (which the Popes have made their own Law) in these words (t), *Decernimus ut vivi in conspectu hominum comburantur*, We Decree that they shall be burned alive in the sight of the World. The Holy Canons it is presumed are for it: The first statute of *Henry 4th* in *England*, for the burning of Hereticks, was Enacted according to the Holy Canons. And if they had no other Law for it, yet the Use and Custom of their Church hath the force of a Law; and makes it as lawful and necessary for them to burn Protestants, as it is to burn Faggots when they are cold; and that it is the custom of the Church, they have the testimony of all Nations round about us. We need go no further than our Native Countrey, where in the days of the last Popish Successor it is proved by near 300 Witnesses, that their Laws will have all sorts of us burnt alive, without regard of Age, Sex, or Quality. And if we will not be satisfied that they may lawfully burn us, Man, Woman and Child, unless we have Scripture for it, they have it ready, *John 15. 6. If any one abide not in me, men gather them, and cast them into the Fire, and they are burned.* Alledged by divers of their prime (u) Authors for this purpose; which proves as plainly and infallibly that Protestants must be burned, as—*Feed my Sheep* proves that the Pope hath power to kill both King and People. The Process against Hereticks in the *Inquisition* is remarkably merciful, for there a Protestant shall not have the favour to be burnt at first (x), and dye once; but must suffer many Deaths before, by enduring divers tortures more grievous than Death, before he be brought to the Fire. One that hath the spirit of a Christian, and reads the account of the Tortures there in use, would scarce think that any but the Devils could be either the Inventors or Executioners of them. But Pope *Paul* the 4th would better inform him, who ascribes the setting of the *Inquisition* in *Spain*, to the inspiration of the Holy Ghost; and there is no doubt but his Successors would attribute it to the same inspiration, if they could get it settled in *England*. And they are highly con-

(t) *De Hereticis. 7 Decretal. Sess. inconsuilem.*

(u) *Jac. de Grassi, decis. l. 2. cap. 9. n. 2. Suarez ubi supra, n. 4.*

(x) *Zanardus, Director. 2da pars. pag. 755.*

cerned to endeavour it, If they believe the Words of a dying Pope: For (y) *Paul* the 4th in a Speech before his Death (and to before his Infallibility expired) declared to the Cardinals, *that the Authority of the Roman Church depends only upon the Office of the Inquisition.* And indeed it is very fit, that such an Authority should have such a foundation. Nor can any question that it is necessary and pious to exercise all the cruelties of the Inquisition upon us, without shaking the whole foundation of the *Roman Church*, and all the Authority of it.

Hereupon how are we concerned to look about us? We ought to remember (for they are not like to forget it), that as soon as ever the Papal Authority is admitted among us, *all the Protestants in these Nations are dead men in Law*; being under a Law that hath sentenced us already to be burned alive, and under a power that hath declared it necessary that no one of us escape with Life.

But they are not yet quite ready for burning us, though they are impatient till they be so; and shew what design they have upon our persons, by turning our houses and Goods into flames. For this course they think not fit to take, how just and pious soever they esteem it, meerly because they cannot, or dare not till they have the Law in their hands, and Power to Murder us by a judicial Process. Where Protestants are numerous and potent, the way they then take for discharging the obligation that is upon them to destroy us, is by treacherous Massacres, or open Wars or Assassinations. They hold it lawful to make War upon Hereticks for their Heresie. So (z) *Bonacina, Diana, Castro, Molanus*, and others: but Cardinal *Allen* (a) our Countreyman may suffice, who asserts it to be not only lawful, but necessary to take Arms against his Prince and People, being Hereticks. *It is clear* (saith he) *that what people and persons soever, be declared to be opposite to Gods Church, with what obligation soever, either of Kindred, Friendship, Loyalty, or Subjection, I be bound unto them; I may or rather must take Arms against them. And then must we take them for Hereticks, when our lawful Popes adjudge them so to be.*

(y) *Ousefrus, Vita Pauli 4.*

(z) *De resist. Disp. 2. q. ult. sect. 2. n. 7. Sum. P. Bellum. n. 5. Theol. Pract. Tr. 2. c. 13. n. 3.*

(a) *Admission to Nobility and People, p. 41.*

Not only Sovereign Princes and the Pope, but a Bishop may raise War for the Faith, against those that are Excommunicate, if they submit not: So *Hofienfis*, and others (*b*) after him. They count it a more necessary and holy War which is levied for the destroying of Hereticks, than the War against the *Turks*. Hence Cardinal (*c*) *Pool* in his Address to *Charles* the Fifth, importunes him to turn his Arms against the Protestants, being more concerned to ruin them than the *Turks*.

They think the destroying of Protestants by Massacres, sometimes more advisable, for avoiding the hazards of a War; and these how bloody and treacherous soever, will be both lawful and meritorious, being for the rooting out of a pestilent Heresie, and the promoting of the *Roman* Interest. The barbarous *Irish* never thought their hands and weapons better employed than in butchering the Protestants: And this not more from the savageness of their nature, than from the Laws and Doctrines wherein they have so much encouragement for such bloodiness. The least they could expect for it, was full pardon of all sin, such as is promised to those who make War against the *Turks*, and for the recovery of the Holy Land. For several Popes had thus rewarded the *Irish*, for far less bloody Feats than these; and thereby testified how meritorious it is, to shed the blood of *English* Protestants (*d*). *Charles* the Ninth, with the *French* Papists, never acted any thing with more satisfaction to his Holiness, than that Tragedy in *Paris*, and other Cities, where so many Thousand *Hugonots* were most treacherously and inhumanely slaughtered. The Pope would not have so great delight as he took therein to be transient, but that it might afford him a continued entertainment, would have it Painted in his Palace. And for this, Triumphs were made by the Papists almost every where, as a most glorious Action. And that there might be a concurrence of the greatest impiety, with the greatest inhumanity, publick thanks

(b) *Vid. Silvest. V. Bellum.*

(c) *Lib. de unione Ecclesiastica ad finem.* And this was he who made it his business in so many Courts to form a League against *England* (having renounced the Popes Supremacy); persuading the Popish Princes, that it was more necessary and meritorious than a War against the *Turks*.

(d) See the Brieves of *Greg. 13. Anno 1580.* and *Clement 8. 1600.*

must be returned to God, in *France* and *Italy*, for the Stabbing, Drowning, Pistolling, and Cutting the Throats of so many Thousands; inticed thither by the Solemnity of a Marriage, with all the Security that the Promise and Oath of a King could give them: But nothing is unlawful that will ruine the Protestant Religion.

Only in one thing these fell short; for though near Three hundred thousand were thus Murdered in both Nations, yet they kill'd not all; whereas if they had not suffered one Protestant in *France* or *Ireland* to escape with life, the Catholick design had been there perfectly accomplished, and the bloody Actors had more highly merited; for that merits most, which most promotes the Catholick Interest, which is most promoted when Heresie and Hereticks are quite extirpated; and so to kill all Hereticks, is most meritorious.

This was it that our Conspirators aimed at, they intended to leave no Protestants alive; those that escaped the Massacre, should have been cut off by their Army (e.). And Coleman saith, Their design prospered so well, that he doubted not but in a little time, their business would be managed to the utter ruin of the Protestant party, in his Letter (f) to the *Interpuncio*. The effecting of this, with the consequence of it, was a thing so desirable, so meritorious, That if he had a Sea (g) of Blood, and a hundred Lives, he would lose them all to carry on the design; and if to effect this, it were necessary to destroy an Hundred Heretical Kings, he would do it. We must not imagine that it was a sin, with this man, to destroy an Hundred Kings, and an Hundred Kingdoms too, in such a Cause; a Cause, no doubt, most glorious, and of transcendent Merit in their account; when one man might without profuseness, be at the expence of an hundred lives, and a Sea of blood, to promote it. It is true by his expressions, he seems to be in some transport, and no wonder when he had so fair a Prospect of the utter ruin of Protestants by their present bloody design; and speaks of their ruine as a thing certain, and not to be doubted of. Sure this was a sight so fair, so transporting, as must needs ra-

(e) *Dugdale's Deposition at the Tryal of the Five Jesuits*, p. 25.

(f) In *Colemans Tryal*, p. 78.

(g) *Ibid.* pag. 43 77.

vish a good Roman Catholick out of his Senses. But then how senseless must they be, who will not believe our utter ruine was designed, when such as best knew it, make no doubt, but it would in a little time, be certainly effected? However we cannot think that they who make so little of killing an Hundred Kings, when they stand in the way of their Catholick design, will stick at Assassinating any particular Subjects.

When we hear Papists say (as divers such sayings have been of late observed) that they would *make no more to kill a Protestant Man, or Child, than to kill a Dog* (h,) We look upon them as wild expressions, which proceed rather from the wickedness of the persons than of their Principles; whereas indeed they have ground enough from the Writings of their chief Authors. One of their greatest Divines proving that they may justly kill us, being Hereticks, makes use of this Argument among others, *Christ calls Hereticks Thieves and Robbers; but sure Thieves and Robbers are worthy of Death; also he calls them Ravenous Wolves*, Matth. 7. Luke. 20. *But Wolves are not only to be driven from the Flock, but also to be kill'd, if it be possible*. So Suarez (i) argues, and his Argument seems less tolerable, than the other Villanous expression, for it seems more meritorious to kill a Wolf than a Dog. Cardinal * *Baronius* tells the Pope (though his Holiness might know so evident a truth before) *that Peter had a double Ministry, to feed, and to kill*; according to that Text, *Feed my sheep*: and according to that too, *Kill and eat*: For, saith he, *when the Pope hath to do with refractory opposers, then Peter is commanded to kill, and slay, and devour*. Much according to this Cardinals Doctrine is the saying of Singleton (k) the Priest, *That he would make no more to Stab Forty Parliament men, than to eat his Dinner*. And who can discern but the Priests expression is as agreeable to the Cardinals Comment, as that is to his Text? *Girald* and *Kelly*, the two Priests that were chief

(h) *Bradshaw* in *Frances Narrative*, page 22. *Giffard* in *Hist. Plot.* pag. 213.

(i) *De Fide. Disp.* 23. sect. 1. n. 3. *Zanard. Ibid.* cap. 7. pag. 119.

* *Epist. contra Venetos.*

k) *Frances Narrative*, pag. 4.

in the Murder of Sir *Edmondbury Godfrey*, that they might draw Mr. *Prance* into that barbarous action, told him, (1) *That it was no Murder, no Sin* (and *Girald* said, *Nothing was to be made of killing Twenty Hereticks in such a case,*) *that it was an act of Charity, and a meritorious work.* We may easily conceive, how they will have it to be an Act of *Justice*; for they are taught, that the Killing of Hereticks *Justa est quia Vindicativa*; and so withal, how it may be meritorious; every act of virtue being so, by their Doctrine: but how it can be an act of *Charity*, is not so easy to discern. We shall hardly be persuaded, that to kill us, is an act of *Charity*; but if they will have it so, it must be. And then who can deny but that *Papists* are the most Charitable Persons under the Cope of Heaven, since they will not stick to murder Millions of Protestants (all in these Nations) out of meer Catholick Charity? VVhat need they more to stop the mouths of any, that will dare hereafter to accuse their Church as uncharitable? They may have Two Hundred Thousand Arguments from one Topick, the Massacre in *Ireland*, to prove that none ever out of Hell, were more eminent for this virtue, no not the *Assassins* themselves.

The Gunpowder-Traytors were as much for the meritoriousness of Murdering Hereticks. *John Grant* one of the Principal Conspirators, the day he was executed, being advised by a Grave and Learned Person, to repent of that wicked enterprize; He answered, *That he was so far from counting it a sin; that on the contrary he was confident, that Noble design had so much of Merit in it, as would be abundantly enough to make satisfaction for all the Sins of his whole life,* as (m) *Casaubon* assures from good evidence.

O the dreadful power of the Spirit of Delusion, which can persuade a man even when he is dying, that the most horrid and barbarous design that ever the Devils helped any of their Instruments to contrive, is so transcendently both meritorious and satisfactory! yet this is not a private spirit, but that by which the *Roman Church* seems generally inspired. This was but a

(1) *Ibid* page 10.

(m) *Epist. Fron. duc. page 189.*

more compendious way, of executing the Laws of their Church against Protestants. And *Roman Catholics* are left to devise what expedient they can, for the execution of them; when they are not in a capacity of proceeding the ordinary way, by burning us. And that Invention will have most of Merit, which is most quick and extensive, and makes an end of most at once. The Society is particularly under the Conduct of that Spirit; for the *Provincial Garnet, Tesmond, Gerárd*, and other Jesuits did teach the Conspirators this Catholick Doctrine (n,) *That the King, Nobility, Clergy and whole Commonalty of the Realm of England (Papists excepted) were Hereticks, and that all Hereticks were accursed and excommunicate, and that no Heretick could be a King; but that it was lawful and meritorious to kill the King, and all other Hereticks within this Realm of England; for the Advancing and enlargement of the Authority and Jurisdiction of the Bishop of Rome, and for the restoring of the Romish Religion.* What? Is it meritorious to kill all in the Realm? Yes, the more the better, the greater the sacrifice, the greater will the value and merit of it be: They will prove it unanswerably by an Argument from the less to the greater. If it be meritorious to kill one Heretick, it will be as much more meritorious to kill all in a Kingdom; as all in a whole Kingdom are more than one single person.

Thus the greater any wickedness is, the more powerful Motive their Church hath for its encouragement; The more prodigiously bloody and inhumane it is, the more will the Catholick Merit of it advance. And the Ground of this is observable, they will have it meritorious to Murder this whole Nation, King and People, because *they were Hereticks, and all Hereticks are accursed and excommunicated.* Now King James and the People of these Kingdoms were not at this time excommunicate expressly, nor so denounced, nor any such sentence against them published, as the Jesuits acknowledged; only they were included in the general Excommunication, which is denounced by the Pope against all Hereticks every year the week before *Easter*. So that all who are in their account Hereticks, but one year, or but one day be-

(n) Gunpowder-Treasure. pag. 74.

fore *Mundy Thursday*, are sufficiently accused and excommunicated, to make them liable to be justly killed; and to render any Papist capable of meriting, by doing execution upon them. All the Protestants in these Nations may be meritoriously slaughtered, as soon as ever the Papists have opportunity to do it, without expecting a warrant from any other sentence, or Excommunication, than what we are continually under. This was the Doctrine of our *English Jesuits*, of *Garnet* their *Superior* particularly, whom the Papists here honoured as a Pope, and paid him the veneration due to his Holiness, by kissing his feet, and revered his Judgment as an Oracle; and since his Death he hath the Honours of a Martyr. And if he and his Associates be counted Martyrs, for but designing to destroy the Protestants of these Realms, though they miscarried; what would their Successors be thought worthy of, if they could attempt it successfully, and do effectual Execution? *Garnet* further declared it to be his Judgment, that it was so necessary to have Protestants destroyed; that it would be meritorious to attempt it, even in such a way; as would ruin many Catholics with them. *Catesby* (with respect to the Powder-Plot, whereby many *Roman Catholics*, and some of considerable quality, were like to be blown up together with the Protestants) inquires of their Oracle, * *Whether it was lawful to ruin the guilty and the innocent together?* *Garnet* first Answers in a private House, that it is lawful, if so much advantage can be gained by it, as will countervail the destruction of the Innocent. Afterwards he tells them in the Fields, That they may lawfully extinguish the good and bad together, and that it would be an act of great Merit, if it would much promote the Catholic Interest. Upon this account we see how it might be meritorious to burn *London*, though the Houses and Goods of many Papists were consumed in the Flames; yea, and how the most desperate Villains amongst them might merit Heaven, and expiate all the Crimes of a most flagitious life, if he could but fire the whole Kingdom: provided so many Protestants were thereby ruined, as would countervail the loss of such Catholics, who could not escape the common Flames.

* *Catesby* *Ibid.* p. 184.

Whereby we see their Principles and Actings, both of them are grounded upon their Church-Laws, Sentencing Hereticks to death and ruine. The executing of these Laws is the exercise of a principal vertue, an *Act of Justice*, and is upon this and other accounts esteemed meritorious. Execution must be done one way or other in order to it; they must and will do, what our present Circumstances leave feasible. They cannot now in a Bishops Court try and condemn us, and then deliver us to the Secular Power to be burnt at a Stake; but they can Stab, or Pistol, or Poyson us, or Blow us up; and these are Acts of Justice upon Malefactors, which their Laws condemn to Death, no less vertuous and meritorious than the other; perhaps Heroical in their account, as being of more then an ordinary strain. It is true, they want some *formalities* of Law, yet are never the worse for the want of that, which they cannot possibly have. But when once they have secured the Throne, we may expect they will proceed against us with more observance of a Judicial Process, and burn us and our Children with all Punctilio's of Law, as they did under the last Popish Successor.

But it is not probable that under such a Successor these Laws may not be executed.

If there were any probability, that for a while they might not be thoroughly executed, yet our condition in the interim would scarce be tolerable to an *English-man*; to be devided of all security by Law, for Liberty, Estate and Life; and to hold these *without*, nay *against* Law, only at the will and known mercy of Papists; even when they must count it a cruelty to themselves to spare us, seeing both their Salvation and (which seems generally more minded) their Interest is concerned in the Execution of these Laws. It seems highly probable to me that all endeavours will be used to have them fully executed; for the design of these Laws is to destroy Protestants. And those *Romanists* that understand their concerns, do make account, that their main interest lyes in this; For neither can they recover their former flourish and greatness, nor can they indeed think themselves *safe*, till this be done,

Accordingly we may observe, that in all Countreys round about us, who have been under Popish Princes, all attempts have been

been made, and their utmost endeavours used utterly to root out Protestants. And it is meer folly to expect that we should fare better in like circumstances. Even in *France* the only instance alledged, to give any hopes that Protestants may subsist under such a Power, The design of these Laws was vigorously pursued, in all methods of pretended Justice, and plain Violence, in the Reigns of *Five Kings successively* ; by Confiscations and Plunderings, by Fire and Sword, by Assassinations, Treacherous Massacres, and open War. So that some Hundred Thousands of them were destroyed, and in all reason none of them had escaped, nor any more Hugonots had been left in *France*, than there are in *Spain* and *Italy* ; if they had not stood upon their Defence, which yet proved a lamentable expedient ; for if we will believe *Father Parsons* (o,) two Millions on both sides were slain within the compass of Ten years in the Reign of one of those Five Kings.

Those who would have us reduced to such a condition, wherein we cannot otherwise be secured than the *French* Protestants were, would either have us prostitute our Religion, and all that is dear to us to the will of the Papists, or else expose the Nation to desolation and ruine.

Our Conspirators have declared that they had the very same design which those Gracious Laws engage them in, viz. the utter extirpation of Protestants and their Religion, and were resolved and prepared to pursue it with Fire and Sword. Of the former they have given us a real Demonstration by the Flames we have already seen ; and of the latter by their Army to be Commanded by Officers of the Popes appointment. They were to begin with Assassinations, and our Sovereign was to fall with the first. In this all that have given any Evidence, exactly agree, and all see, but those that will be blind, and would have His Majesty for company perish with his eyes shut. When they had dispatched the King, a *Massacre was to follow*, as is positively Sworn again and again by unexceptionable (p) Witnesses, and this signified to be the method advised, by the Conspirators both in *France*, *Flanders*, and *England* ; then to make clear work, those

(o) *Mitigation*, page 120.

(p) *M. Engle in Trial of the Five Jesuits*, page 25.

Protestants that escaped the Massacre, were to be destroyed by their Army. *Coleman* at his Tryal would have us believe, that nothing was intended but the advance of Popery, by the Innocent way of Toleration ; that is no wonder, for he was then concerned, if ever, to disguise their Design. But when he hath to do with those who were conscious to the Plot, and with pleasure could see the bottom of it ; then the Mask is off, then it is in plain terms *the subduing of a Pestilent Heresie* (for so is the true Christian Religion in the *Roman* Stile now-a-days) *and the utter ruine of the Protestant party*. To accomplish such a glorious design, there must be no sticking (as was observed before) to *kill an Hundred Heretical Kings*, (Alas ! one single King was nothing to the Dagger of such a Hero) or to *shed a Sea of Blood* (their own he means.) How many Seas of Protestant Blood do we think might have satisfied such harmless Catholicks ? not an hundred we may be sure, if all the Protestants in the World could have bled more. But this they were bound in Conscience to execute the Popes Laws, they were at all points ready to do it, they wanted nothing but only a Catholick Prince in the Throne.

O but the Temper, or at least the Interest of such a Prince would oblige him to forbid or restrain such violent executions in *England*.

I, but what if his tempter be such as to comply with such violent proceedings ; or his temper being better, what if it be overruled ? What if he be perswaded as other Catholicks are, that he must in Conscience proceed thus ? What if he cannot do otherwise, without apparent hazard of his Crown or Life ?

The Contrivement is such, that Execution shall be done before he hath got the Reins of Government into his hand ; and when he hath them, he is not to hold them alone, he will not be allowed to be much more than the Popes Postillion, and must look to be dismounted if he drive not according to order.

Let these things be weighed, that we may see before it be too late into what circumstances we are running. If the Prince be Zealous and Resolute, a *Bigot* in their way ; If his heat in embracing Religion at first, or promoting it afterward, transport him beyond the sense of his Interest ; If it make him condemn such reason, or decline that consideration that should have withheld

held him from it, or might moderate him in it; If he make it his design, and count it his Glory, to subdue this Religion as a Pestsilent Heresie; If he give up himself to the Counsels and Conduct of such, whose words and practices make it evident, that they intend extremities; then there is a violent presumption, that he will not study any abatement of the rigour of these ruining Laws, after once he thinks himself firmly settled:

But if (as I had rather suppose) his inclination should lead him to some Indulgence and forbearance, yet that must be controuled by Conscience, and Conscience must dictate what they suggest, who have the conduct of it; and it will be readily suggested, *that it is a deadly crime to favour Hereticks to the prejudice of the Catholick Interest*, which can never be more effectually advanced than by their ruine. Besides, the Law (q) it self assures us, *that it is not in the power of any Civil Magistrate to remit the penalty, or abate the rigour thereof*; and this also is declared by the Bulls (r) of several Popes. Nay if the Prince should solemnly engage his Faith, and give as much security as Papists can give by Oath, that he would not suffer Sanguinary Laws to be executed upon his Dissenting Subjects, this would signify nothing: For they would soon let him understand, that *Contracts made against the Canon Law are invalid, though confirmed by Oath*, as P. a St. (l) Joseph. And that *he is not bound to stand to his promise, for the Liberty of Religion, though he hath sworn to it*, as Bonacina; (f) and that Faith is no more to be kept with Hereticks, than the General Council of Constance would have it. So that Protestants are to be burnt, as John Hus and Jerom of Prague were by that Council; though a Prince hath given his Faith and Oath for their safety. The best that is pleaded in defence of that General Council so openly *Canonizing perfidiousness*, leaves Protestants as much exposed, after all the security the Prince can give, as if none at all were given them. The Emperours engagement, say they, *secured them against Secular Process, but not against the Process of the*

(q) Cap. ut officium.

(r) U. d. supri.

(l) De primo precepto. p. 91.

(f) De primo precepto. Diss. 3. q. 2. par. 7. 8. prop. 3. n. 159.

Church. So that the Church may burn us, when the Prince hath engaged all his faith for our safety. And to this purpose it is observable what *Becanus* (u) an eminent Jesuit delivers when he is endeavouring to vindicate their Council. The Council of *Constance*, saith he, Decreed these two things: First, "That the Secular Power can no way hinder the Ecclesiastical Power from its Legal exercise, and therefore if any Secular Prince do give safe conduct to any Heretick, this ought not to hinder the Ecclesiastical Judg from exercising his Office, that is from trying an Heretick, and proceeding against him according to evidence. The reason is, because when there are two Princes who have distinct Judicatures and Tribunals, one of which is greater and superiour to the other; the Inferiour may not hinder the Superiour, from executing his Jurisdictions. And therefore the security which he promiseth to any, extends not to the Tribunal of the Superiour Prince, because the Superiour is not bound by the Laws and agreement of the Inferiour, (*Caput, cum Inferior extra.*) But now the Secular and Ecclesiastical Prince have distinct Tribunals (as is well known,) and the Ecclesiastical is Superiour (*Cap. Solita:*) Therefore the Secular, when he gives safe Conduct to any, he cannot extend it to the Ecclesiastical Tribunal; nor by the security given, can hinder the Jurisdiction of the Ecclesiastical Judg, &c. *Molmus* (x) also, who undertakes to excuse this Council, saith, It is a General Rule with the Romanists, *That Faith is either never to be given, or never to be kept with Hereticks, for the exercise of their Religion.* *Simanca* (y) by the Authority of the Council, maintains this worthy principle, *That Faith engaged to Hereticks, though confirmed by Oath, is in no wise to be performed.* He would prove it by reason: For (saith he) if Faith be not to be kept with Tyrants, and Pirates and other Robbers, who kill the body; much less is it to be kept with Hereticks, who kill Souls; He confirms it with the Testimonies of *Salomonius*, and *Menochius*, *Placa*, &c. and of

(u) *Manual. l. 5. cap. 15. n. 15, 16.*

(x) *De fide. l. 3. c. 27.*

(y) *Catbol. Instit. Tit. 45. N. 52.*

their (z) *Angelical Doctor*, the Oracle of their Schools, who faith, an *unteachable Heretick is to be betrayed to Justice, notwithstanding Faith and Oath*. *Becanus* (a) to vindicate the Doctrine of *Simanca*, tells us, that they all say as much as he hath said. *Simanca teaches the same that we teach, viz. That Faith is to be kept with Hereticks in what is lawful and honest : but in no case otherwise, and so never in case of Heresie*. So that the Faith of any Prince however engaged, is so far from giving an Heretick any security ; as Heresie is far from being a thing lawful and honest. Upon these principles (by which it appears that *Rome* hath changed *Faith* with *Carthage*, that being now worse than *Fides Punica* ; and is when she would be counted *Christian*, far more Faithless than when *Pagan*) their Doctors, Jesuits, and others, have instigated Kings to endeavour seriously the rooting out of Hereticks ; Asserting, that an Oath in favour of Hereticks, is but *Vinculum iniquitatis*. In Fine, This is the sense of their best Authors, and we must believe it to be so, unless we will be deluded. By their Laws and Principles they are always under an Obligation utterly to exterminate Protestants ; yet sometimes they are concerned in point of Interest, to forbear and dissemble ; Pretending to engage their Faith when they do it not in the sense of those who relye on it, as the Council of *Constance* deluded *Jerome* of *Prague*, that they might (as they did) burn him : or engaging their Faith when they intend not to keep it, as our Queen *Mary*, *Charles* the 9th of *France*, and other Popish Princes, abused the Protestants to make them secure, that they might have the better advantage to ruine them ; and then that they may seem real, they may promise or swear that they will not proceed against us ; yet notwithstanding when they have an opportunity to destroy us, though they were bound by Ten thousand Oaths not to attempt it ; yet they *Sin damnably* if they endeavour it not to the utmost.

(z) *Sum. 2 da 2 da, Q. 70. Art. 1.*

(a) *Manual. l. 5. c. 15, n. 25.*

But if there were neither *Law* nor *Conscience* to hinder, yet in point of Interest, he must not shew favour to Hereticks, nor grant any Indulgence for their Religion, he cannot do it without apparent hazard both of *Crown* and *Life*. For by shewing such favour, he in their account deposeth himself, and immediately loseth title to his Kingdoms.

An Emperour or a King, saith Parsons (b,) if he shew favour to an Heretick, for that he loseth his Kingdom. The Jesuits have sufficient grounds for this Doctrine, how extravagant soever it seems. For the Council of *Lateran*, which *Bellarmino* callstheir greatest and most Famous Council, decreeth (c,) that if a Prince upon a years warning, doth not exterminate Hereticks; his Subjects are discharged from Allegiance, and his Dominions are to be seized on by other Catholicks: He thereby draws upon himself the Curse and Excommunication of the Church, he is excommunicate by Law, that Council hath passed Sentence already, and he is *de facto* Anathematized yearly by the Bull of the Supper; the former is *Excommunicatio Juris*, by the Law: and this is *Excommunicatio Hominis*, by the Judge, as several of their (d) Doctors will have it. So that it takes effect presently, *Ipsa Facto*, and is of no less force than if the person concerned were Excommunicated particularly, and by name, though the terms be general.

The Pope every year doth solemnly Excommunicate and Curse, not only all Hereticks, but every Favourer and Defender of them, and from this Sentence, none can Absolve any but the Pope himself, for it is a reserved case; and they generally declare him to be a Favourer of Hereticks, who hinders the execution of the Laws made against them. Conformably hereto their Do-

(b) Philopat. p. 109.

(c) Cap. *Excommunicamus*, de Hereticis Sect. montatur.

(d) Grassi. decis. l. 4. c. 11. n. 6. *Becanus de Fide*. c. 15. q. 8. n. 6. Soto 4. *Disting.* 25. Q. 1. Art. 1. Citing two Texts of their Law for it. Cap. *Sicut de Hereticis*, & Cap. *siquis forte*. 24. Q. 1.

Doors teach, that Kings and Princes when they are negligent, in rooting out Hereticks; they are to be Excommunicated, and deposed by the Pope. So Becanus (e). Another as I find him (f) cited, sets it out more elegantly in a Metaphor, making Princes to be the Popes, their Shepherds Dogs (as they are wont to do out of great reverence) and expresseth himself significantly to this purpose. *If a Prince be a dull Cur, and fly not upon Hereticks, he is to be beaten out, and a Keener Dog must be got in his stead.* Others (g) tell us, *he incurs more grievous penalties than Excommunication, as appears by the Breves of several Popes; though to be deprived of Kingdom and Life, to which this Sentence makes a Prince lyable, one would think sufficiently grievous.* But there is no need to cite particular Doctors, seeing by the Decrees (h) of that Church the Fautors of Hereticks, are lyable to the penalties which are to be inflicted on Hereticks themselves: and their Church-Law (i) determines again and again, that they are to be taken for Fautors of Hereticks, who omit what they ought to do, for the punishing of Hereticks, that they may cease from their error: And in this they all agree, *Ita docent omnes*, saith Suarez (k). Sure he must have more Love for Protestants, than any true Papist can have, who will run such hazards, to shew them Favour.

He must expect also to be burdened with the Hatred of Zealous Chatholicks, and the effects thereof. They detest such a Prince, and damn that Political Prudence, which forbears the severe execution of the Laws against Hereticks; as being the way not only to ruine the Church, but subvert a Kingdom (l.) They count none worthy the Crown, who will not go through stich with their design, for extirpating Hereticks, and promo-

(e) *Controuers. Anglican.* p. 131, 132.

(f) *In Foulis.* pag. 60.

(g) *Zenard. Direct. Pars. 2.* pag. 61.

(h) *Cap. Excommunicamus, de Hereticis.*

(i) *Cap. Error 83. Distinct. 8. cap. Qui alius, de Hereticis.*

(k) *De Fide. Diss. 24. Sect. 1. N. 6.*

(l) *Ribadeneira de Principe, l. 1. cap. 15.*

ting the *Roman* Interest with Fire and sword. Nay they count such, though they be Papists, as *bad as Hereticks*, worse than *Turks*, and unworthy to live; they will have a price set on their Heads, and Assassins hired to rid the World of them. So Doctor Stapleton, (m) counted one of their greatest and most sober Divines. And these are not only Points for Speculation, they have been reduced to practice among those who have the repute of the most moderate Papists in *Europe*. Henry 3d. and 4th, two Kings of *France* were Assassinated on this account. A suspicion that they favoured Protestants, was the great inducement to Zealous Catholicks to get them stab'd. The two Kings since indeed have escaped better; no wonder, for they never provoked the *Catholick Assassinating Spirit*: They have given sufficient demonstration that they hate the Protestants; for though they kill them not out-right, yet have they reduced them to such Circumstances, that their Mortal Enemies may to their satisfaction, see them dye a Lingering Death.

And which more concerns us, the Conspirators in all places having declared expressly, that if *RO. H.* do not answer their expectation, for rooting out of the Protestant Religion, and Extirpating those that profess it: Their design (n) is to destroy him after they have killed his Brother. So that whatsoever respect they have for him on the account of his Religion, yet after they have served their turn on him a while; he must expect nothing but Death, unless he will give assurance that he will ruine the Protestants of these Nations.

Hereby we may judge, what favour we may in reason promise our selves, from the Temper or Interest of a Popish Successor.

(m) *Orat. contra Politicos*, p. 15. & 24. in *Hospin. Histor. Jesuit.* l. 4. c. 22 sect. 2.

(n) *Dr. Oates Narrative*, pag. 4. n. 5. p. 3. n. 4. p. 8. n. 13 p. 10. n. 16. p. 15. n. 13. p. 19. n. 29. p. 35. p. 64. n. 6.

But may not Parliaments secure us by Laws and Provisions restraining the Powers which endanger us?

There is nothing of this tendency can in reason be expected from Parliaments, *without securing the Throne*. For if the Conspirators once gain that, it may be they will have no Parliaments; A Government more Arbitrary and Violent is more agreeable to their Principles and Designs. It is apparent that *Popery*, as it hath been by many occasions *sublimated* since the Reformation, hath in a manner quite stifled the *English Spirit* in *English* Papists. They are for another Government, in which the *Pope* must be Supreme, and to which our Kings must be *subjected* or *kill'd*. And in Civils, they are for an *Universal Monarchy*, by which this and others must be swallowed up; and so they are still ready to devote themselves to that Prince who bids fairest for it. So they did to the *Spaniard* in *Queen Elizabeth's* time, and now upon that account are wheeled off to the *French*: They have been forward upon all occasions, to Sacrifice the Honour of the King, and the Liberty of the Subject to the *Roman Moloch*; they are much more his Subjects than the Kings; and they are no more to be trusted as to the true *English Interest*, than the *Italians* or *Spaniards*. They pass for *Natives* indeed, being born among us; but are plainly *Foreigners* as to Government, Principle, Interest, Affection and Design. We may well believe on these accounts they are no Friends to Parliaments, if they did not otherwise openly declare it.

But if the necessity of their affairs should require a Parliament, there is no great question but they may get such a one as will serve their turn: For so hath every of our former *Princes* in all the *changes of Religion* that have been amongst us. So did *Henry* the 8th, both when he was for *Popery*; and when he was against it, and when he was partly both for it, and against it. So did *Edward* the 6th, when he was wholly Protestant. So did *Queen Mary*, when she was for burning them alive. So did *Queen Elizabeth*, when she run Counter to her Sister. There are *English-Papists* enough already to furnish both Houses; and there will be more, if *Popery* were once enthron'd. The strongest Arguments which divers have for their Religion, are drawn from

from the Throne. The indifferency which is visible in too many, signifies that they will be determined by their interest, and their Estates are like to out-weigh their Religion.

The warping of divers upon advancement, and acting Counter to themselves when lower; shews, there is something higher in their hearts, than that which should be Supreme. The little concern they shew for Religion, who in regard of their Station in the Church, should have the greatest Zeal for it, disappointing and astonishing those who esteemed them Protestants, and great supports of that Profession.

The little sense of any danger (when our Religion was never in such extreme hazard, since we and our Fathers were born,) the obstructing in one or both Houses, of all that is offered to secure us, or hath the most probable tendency to it, by those from whom it was least expected. Those greater heats against true Protestants (differing from us in some small things,) than against Papists; when represented by this horrid Plot in their own Colours; shews, that Popery is no such formidable thing to many, now under another profession; as it is, and will be to Hearty protestants, and such as have effectually *received the Love of the Truth*. However by the Laws which will be in force, when the Throne is Papal; All Protestants must be excluded from both Houses. For all these must then pass under the notion of Hereticks, and as such, not only by the Constitutions of several Popes, but by the Decree (o) of a General Council, received as obliging in Popish Countreys; they are *made incapable of being admitted to any publick Counsels, or of chusing any to sit there*. This is but a branch, of one of the last Penalties we must then lye under; and thus all hopes of any Relief by *Parliaments*, under such a Successor, are quite blasted.

As for Laws such as are, or may be made before-hand for restraining Popery, and securing our Religion under a Popish

(o) Cap. Excommunicamus Sect. credentes. Tit. de hereticis.

Sovereignty; they will then be judged Nullities, for they are no Laws which are against the common good; but these will be counted mischievous Acts, of a pernicious nature and tendency; being for the support of Heresie, against their Catholick Interest. They will be null and void also, without any formal repeal, upon another account, *viz.* because Enacted by an *incompetent Authority*: For our Parliaments are now, and have been long Constituted of such as they count Hereticks; and these by the Decrees and Principles of their Church have no (p) *Jurisdiction* at all, much less that which is Sovereign and *Legislative*. They have no right to proceed in Judgment upon Laws duly made, so far are they from all just Power to make any. And whereas no Laws can be made in these Realms without the concurrence of every of the Thre States in Parliaments, they will not own any of them to be in a capacity to concur therein.

The King being an Heretick, is with them *no King*, he is de-vested of all Prerogatives and Royalties; hath no power to call Parliaments, or pass any Bills there tendred; He is no better with them than a private person, nay in a worse capacity than a good Subject; for by their Principles he may lawfully be killed by a private hand.

The Nobles being Hereticks, their Blood is tainted by the highest Treason, the Attainder good in Law, (that Law which will then be of most Sovereign Obligation;) they have lost all Priviledge of *Peers*, they have no Titles to *Baronies*, no rights to be Summoned by *Writ*, if there were any that had right to Summon them. They have forfeited what they had by *Descent*, though from Popish Ancestors; and what they had by *Patent*, is null and void. Since our Princes were Protestants, they are no more *Lords*, in the sense of the *Romish Laws*, nor have more Right to sit as *Peers* in making Laws, than Laws of *Jack Straws* creating.

(p) *Juxta constitutiones Greg. 9. Hereticus privatur omni Dominio naturali, civili, politico.* Simanca Instit. Cathol. Tit. 45. N. 74.

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This is manifest by the first *Penaltie* forementioned, and awarded against Hereticks by the Laws of the *Roman* Church; which takes effect from the first day of their supposed Heresie, before Sentence of any Judge.

The *Commons* being Hereticks are no Proprietors, and so have no Power; no Priviledge due to the Commons of *England*, they are born to no Estates, if they be the Issue of Protestants; The Estates of their Fathers being confiscated before they were born, and so is all they have acquired since by Purchase, or otherwise. So that they have no Right to be chosen, nor have Protestants any Right to chuse them, being no Freeholders, nor having title to any Goods or Lands, by any Tenure whatsoever. In short, By the Judgment and Sentence of their Church, all Ranks among us are in a State of *Usurpation*, we have no right to Estate or Life (as we are like to find when they have power;) much less any Authority to make Laws: What our Parliaments have enacted, or may do, for the securing of our Religion, or Restraint of Catholics; is no more valid, no more obliging with them, than the Acts or Ordinances of meer Usurpers, nor do they owe, nor will they pay them more observance (when time serves) than to the Constitutions of so many Thieves and Robbers.

But suppose our Laws were valid, and Enacted by a competent Authority, yet being against the Laws of the Church, the Sovereign Authority of these will supersede the other: For so they determine, that when the *Canon* and the *Civil* Laws clash, one requiring what the other allows not; the Church-Law must have observance, and that of the State be neglected. Their Law [q] provides

(q) *Constitutiones contra canones & decreta prefatum Romanorum vel bonos mores, nullius sunt momenti. Distinct. 10. c. 4.*

for its preeminence, in these words, *Constitutions against the Canons and Decrees of the Roman Bishops are of no moment.* Their best Authors (r) are positive in it, and our own Countrey affords us Instances of it. The Statutes of *Provisoers*, and others of like nature, made in the Reigns of *Edward the First, Edward the Third, Richard the Second, and Henry the Fourth*, for the relief of the Nation against Papal Inroachments: They were defeated by the Popes Authority, and in effect repealed, there being no effectual Execution of them till *Henry the Eighth's* time. And if the Pope (the Throne being once at his Devotion) should appear against any Statutes or Provisions made for our security, as Pope *Martin (s)* the Fifth did against the Statutes of *Edward the Third, and Edward the Second*, that would be enough to null them as to the Consciences of *Roman Catholicks*; or to lay them asleep, and render them ineffectual to the purposes they are designed for.

We may see hereby what Laws made now, for our Security will signifie, when such a Successor is in possession.

Upon the whole, our danger as to all our concerns, *Civil and Religious*, is very apparent, and looks upon us with such a terrible *Aspect*, as scarce any true Protestant can fully view it without Horrour and Trembling. Our *Estates, Lives, and Souls* are in extreme hazard, and what have we more? That which will not secure us is discernable by the Premises; what expedient may be effectual to rescue us and our Posterity, who with us and all that is dear to both, are now in the very Jaws of Destruction, is humbly left to the Wisdom of the Nation in *Parliament*.

(r) *Victoria relect. pag. Navar. Manual. c. 7. n. 1. Fumus v. lex. n. 7. Bonacina. Tom. 2. Disp. 1. 2. 1 punct. 4. n. 17. Diana. Sum. v. inquisitor. n. 10.* after *Barbosa* and others.

(s) *Baynet Hist. Reformation, page 110.*

FINIS.

